

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 05-1849 JH
)	
DANA JARVIS,)	
)	
Defendant.)	

UNITED STATES' MOTION TO STRIKE "MOTION
TO RELEASE ASSETS AND FOR LEAVE TO RETAIN COUNSEL"
FILED BY ATTORNEYS ROBERT GORENCE AND PAUL KENNEDY

COMES NOW the United States of America, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and James R.W. Braun, Assistant United States Attorney for said District, and moves the Court to strike the "Motion to Release Assets and for Leave to Retain Counsel" filed by attorneys Robert Gorence and Paul Kennedy, and in support thereof states as follows:

1. On August 23, 2005, a federal grand jury in Albuquerque returned a twenty-six count indictment against defendant Dana Jarvis ("Jarvis") and twenty co-defendants. On August 26, 2005, attorney Judith Rosenstein was appointed to represent Jarvis.
2. On January 9, 2006, attorneys Robert Gorence and Paul Kennedy filed a "Motion to Release Assets and for Leave to Retain Counsel," ostensibly on behalf of Jarvis.

3. Rule 44.1(i), D.N.M.LR-Cr., provides that “[t]he Clerk will not accept any pleadings from an attorney for filing unless the attorney is eligible to appear and has either been appointed by the Court or filed an entry of appearance.” Rule 44.1(g) provides that “[a]n attorney may not appear in a limited manner except by Court order.”

4. Neither Mr. Gorence nor Mr. Kennedy have filed an entry of appearance on behalf of Jarvis, and the Court has not entered an order allowing for a limited appearance. Therefore, the “Motion to Release Assets and for Leave to Retain Counsel” filed by Mr. Gorence and Mr. Kennedy must be stricken.

5. Mr. Gorence opposes this motion.

WHEREFORE, the United States requests that the Court strike the “Motion to Release Assets and for Leave to Retain Counsel” filed by Mr. Gorence and Mr. Kennedy in this case.

Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney

ELECTRONICALLY FILED

JAMES R.W. BRAUN
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I HEREBY CERTIFY that a true copy of the foregoing pleading was faxed to Robert Gorence, Paul Kennedy, and to opposing counsel of record Judith Rosenstein, this 13th day of January 2006.

ELECTRONICALLY FILED

JAMES R.W. BRAUN
Assistant U.S. Attorney